

SENATE BILL 2754

By Person

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 10, to regulate the presence of children of a certain age on public streets and in other places between certain hours; to define the duties of parents or others in care of children; to provide penalties for violations thereof; and to repeal Tennessee Code Annotated, Title 39, Chapter 17, Part 17.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 10, is amended by adding the following as a new part:

Section 37-10-401. A minor under eighteen (18) years of age, shall not loiter, idle, wander or play in or upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any unsupervised place in any county to which this part applies, between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M., official time, provided that this section shall not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor.

Section 37-10-402. When any minor is in violation of this part, the apprehending officer shall act in one of the following ways:

(1) If a first violation, and if in the opinion of the officer such action shall be effective, take the minor to his or her home and warn and counsel with the parents or guardians.

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(2) Issue a summons to the minor and/or the minor's parents or guardians to appear in juvenile court.

(3) Bring the child into the custody of juvenile court for disposition.

Section 37-10-403. With the exception of the provisions contained in Section 37-10-401, no parent, guardian, or other person having the care and custody of a minor who has not reached his eighteenth birthday shall knowingly permit such minor to loiter, idle, wander or play in or upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any unsupervised place in any county to which this part applies, between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M., official time.

Section 37-10-404. The judge of the juvenile court shall be vested with power to hear all cases coming within the provisions of this part.

Section 37-10-405.

(a) A minor violating the provisions of this part shall commit an unruly act the disposition of which shall be governed by the provisions of this title.

(b) A parent, guardian or other person having the care, custody and control of a minor who violates the provisions of this part shall be subject to a civil penalty of not more than fifty dollars (\$50.00) for each violation. Each violation of the provisions of this part shall constitute a separate offense.

Section 37-10-406. The provisions of this part shall only apply in counties having a population of eight hundred thousand (800,000) or more, according to the 1990 federal census or any subsequent federal census.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 17, Part 17, is repealed in its entirety.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.